

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

FRIENDS OF GEORGE’S, INC.,

*Plaintiff,*

v.

THE STATE OF TENNESSEE; BILL LEE, in  
his official and individual capacity as Governor  
of Tennessee; JONATHAN SKRMETTI, in his  
official and individual capacity as the Attorney  
General of Tennessee

*Defendants.*

Case No. 2:23-cv-02163-TLP-tmp

FRIENDS OF GEORGE’S, INC.,

*Plaintiff,*

v.

STEVEN J. MULROY, in his official and  
individual capacity as District Attorney General  
of Shelby County, Tennessee

*Defendant.*

Case No. 2:23-cv-02176-TLP-tmp

**MOTION TO DISMISS THE STATE OF TENNESSEE, BILL LEE AND JONATHAN  
SKRMETTI, IN THEIR OFFICIAL AND INDIVIDUAL CAPACITIES, AND STEVEN  
MULROY, IN HIS OFFICIAL CAPACITY**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendants the State of Tennessee, Tennessee Governor Bill Lee in his official and individual capacities, Tennessee Attorney General Jonathan Skrmetti in his official and individual capacities, and Steven Mulroy in his official capacity as District Attorney General of Shelby County, Tennessee (“Defendants”) move for an order from this Court dismissing the claims asserted against them for lack of jurisdiction and failure to state a claim upon which relief can be granted. First, as the arguments and authorities set out in the accompanying Memorandum of Law demonstrate, Plaintiff lacks organizational standing to challenge the enforcement of the Adult Entertainment Act (“the Act”). Second, the Attorney General and Governor cannot be sued in their official capacity because they do not enforce the Act. Plaintiff therefore cannot establish standing, avoid state sovereign immunity, or state a claim under 42 U.S.C. § 1983. Third, the Complaint fails to seek relief against Defendants in their individual capacities. Finally, Plaintiff has consented to dismissal of the State of Tennessee. The Court should therefore grant the motion and dismiss this action.

Dated: April 18, 2023

Respectfully submitted,

JONATHAN SKRMETTI  
Attorney General and Reporter

s/James R. Newsom III  
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in his official and individual capacity as  
Governor of Tennessee, Jonathan Skrmetti,  
in his official and individual capacity as  
Tennessee Attorney General and Reporter,  
and Steven J. Mulroy, in his official capacity  
as District Attorney General for the Thirtieth  
Judicial District of Tennessee*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. Parties may access this filing through the Court's electronic filing system.

s/James R. Newsom III

James R. Newsom III

Special Counsel